IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

MISC.CIVIL APPLICATION No 2265 of 2003

For Approval and Signature:

HON'BLE MR.JUSTICE P.B.MAJMUDAR

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

HEMABEN MAHESHBHAI CHAUHAN

Versus

MAHESHBHAI GOVINDBHAI CHAUHAN

Appearance:

1. Misc.Civil Application No. 2265 of 2003

MR NIRAV C THAKKAR for Petitioner No. 1

NOTICE SERVED for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE P.B.MAJMUDAR

Date of decision: 23/01/2004

ORAL JUDGEMENT

The applicant has moved this Court by way of this application filed under Section 24 of C.P.C. for transferring H.M.P. No.46/2003 pending in the Court of

Civil Judge (S.D.) at Godhra to Jamnagar.

2) The applicant and the respondent are husband and wife. It is stated in the application that the marriage between the parties took place at Jamnagar. It is also stated in the application that the applicant is residing with her parents at Jamnagar and two minor sons, who are twins and aged about one year. It is her case that it is difficult for her to travel upto Godhra with two minor sons. It is submitted that she is not in a position even to travel at a distant place. Under these circumstances, it is requested that the pending proceedings in the Court of Civil Judge (S.D.) at Godhra, be transferred to Jamnagar, where the petitioner - wife is residing. The respondent has not appeared, even though served.

3) Grounds made out in the application are just and it is proper to transfer the pending case to Jamnagar. In view of the averments made in the application, which are not denied by the other side, H.M.P. No.46/2003, pending in the Court of Civil Judge (S.D.) Godhra, is ordered to be transferred to the Civil Court at Jamnagar. After such transfer, Civil Court at Jamnagar shall proceed with said H.M.P. No.46/2003 and dispose of the same in accordance with law.

4) Accordingly, this Misc.Civil Application is allowed. Rule is made absolute with no order as to costs.

(P.B.Majmudar,J.)
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